

No. 21-2017

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UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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MARYLAND SHALL ISSUE, INC., ET AL.,

*Plaintiffs-Appellants,*

v.

WES MOORE, ET AL.,

*Defendants-Appellees.*

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On Appeal from the United States District Court  
for the District of Maryland

No. 1:16-cv-03311-ELH (Judge Ellen L. Hollander)

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**MOTION OF BRADY CENTER TO PREVENT GUN VIOLENCE,  
GIFFORDS LAW CENTER TO PREVENT GUN  
VIOLENCE, MARCH FOR OUR LIVES, AND MARYLANDERS TO  
PREVENT GUN VIOLENCE  
FOR LEAVE TO FILE BRIEF AS AMICI CURIAE**

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**MOTION FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE***

Pursuant to Federal Rule of Appellate Procedure 29, the Brady Center to Prevent Gun Violence (“Brady”), Giffords Law Center to Prevent Gun Violence (“Giffords Law Center”), March for Our Lives (“MFOL”), and Marylanders to Prevent Gun Violence (“MPGV”) respectfully submit this unopposed motion for leave to file an *amicus* brief in support of appellees.<sup>1</sup> All parties have consented to the filing of the brief. Fed. R. App. P. 29(a)(2). Giffords, Brady, and MFOL were recently granted leave to file an *amicus* brief by this Circuit in *Bianchi v. Brown* to address the constitutionality of Maryland’s assault weapons regulations. See Order Granting Motion for Leave to File, *Bianchi v. Brown*, No. 21-1255 (4th Cir. Feb. 23, 2024), ECF No. 93.

This Court should grant leave to file the proposed brief because (1) the proposed *amici* have an interest in the case, and (2) the proposed *amicus* brief will assist the Court’s in analyzing of Maryland’s permitting

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<sup>1</sup> No counsel for a party authored this brief in whole or in part; no party or counsel contributed money intended to fund this brief’s preparation or submission; and no person, other than *amici*, their members, or their counsel, contributed money intended to fund the brief’s preparation or submission. See Fed. R. App. P. 29(a)(4)(E).

law, Md. Code Pub. Safety § 5-117.1, under the Second Amendment by examining relevant historical analogues.

### **I. The Proposed *Amici* Have an Interest in the Court’s Decision.**

Brady is the nation’s longest-standing nonpartisan, nonprofit organization dedicated to reducing gun violence through education, research, and legal advocacy. It has a dedicated, demonstrated record of working with policymakers to address gun violence.

Giffords Law Center is a nonprofit policy organization that researches, drafts, and defends laws, policies, and programs proven to reduce gun violence. Its work includes advocating for the interests of gun owners and law enforcement officials who understand that gun-safety legislation and community violence prevention strategies are not only consistent with the Second Amendment, but essential to protecting health, safety, and lives.

MPGV is a state-level nonprofit dedicated to evidence-based solutions for reducing all types of gun violence in Maryland, including suicide, intimate partner, interpersonal, mass shootings, and criminal group violence. MPGV advocates for evidence-based policies, prioritizing

community-led strategies and analyzing law implementation for effectiveness.

MFOL is a youth-led nonprofit organization dedicated to promoting civic engagement, education, and direct action. MFOL’s efforts include promoting and organizing youth to achieve sensible gun violence prevention policies.

The Court’s decision will have a substantial effect on the authority of democratically elected officials to address gun violence and on the constitutionality of gun regulations aimed at improving public safety. Because Brady, Giffords, MPGV, and MFOL advocate for gun violence prevention policies, each has a substantial interest in the Court’s decision.

**II. Proposed Amici’s Brief is Helpful to the Court Because It Examines Historical Analogues Relevant to the Second Amendment Analysis Under *Bruen*.**

This Court should grant leave to file the *amicus* brief because it is “desirable” and “the matters asserted are relevant to the disposition of the case.” Fed. R. App. P. 29(a)(3)(b). Under *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), historical analogues to the Maryland permitting regulation are highly relevant to the Second

Amendment analysis. The brief shows that the Maryland permitting law at issue in the case is constitutional under *Bruen* based on Reconstruction-era historical analogues to the Maryland permitting law—including age restrictions and residency, permitting, and training requirements. It also explains the shared underlying purposes of the Maryland law and its historical analogues: public safety. The brief thus provides important context for this Court’s assessment of the Maryland permitting law. Indeed, the panel based its conclusion on an apparent dearth of historical analogues. Panel Op. at 14–20. *Amici*’s brief proves that conclusion false.

## CONCLUSION

The proposed *amici* respectfully request the Court to grant the motion for leave to file the attached brief as *amici curiae*.

Dated: March 1, 2024

Respectfully submitted,

/s/ George J. Hazel

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**CERTIFICATE OF SERVICE**

I hereby certify that, on March 1, 2024, a true and correct copy of the foregoing brief was filed electronically and served on all counsel through this Court's CM/ECF system.

/s/ George J. Hazel